

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY KING, MARIAN ELLEN
SHERIDAN, JOHN EARL HAGGARD,
CHARLES JAMES RITCHARD, JAMES
DAVID HOOPER, and DAREN WADE
RUBINGH

Case No. 2:20-cv-13134

Plaintiff

v.

HON. LINDA V. PARKER

GRETCHEN WHITMER, in her official
capacity as Governor of the State of
Michigan, JOCELYN BENSON, in her
official capacity as Michigan Secretary of
State, and the Michigan BOARD OF
STATE CANCASSERS,

MAG. R. STEVEN WHALEN

Defendants

CITY OF DETROIT, DEMOCRATIC
NATIONAL COMMITTEE and
MICHIGAN DEMOCRATIC PARTY,

Intervening Defendants.

**PLAINTIFF'S RESPONSE TO INTERVENOR DEFENDANT ROBERT
DAVIS' EMERGENCY MOTION TO TAKE JUDICIAL NOTICE**

Plaintiffs, TIMOTHY KING, MARIAN ELLEN SHERIDAN, JOHN EARL HAGGARD, CHARLES JAMES RITCHARD, JAMES DAVID HOOPER, and DAREN WADE RUBINGH, by and through their counsel, file this Response to Intervenor Defendant Robert Davis' Emergency Motion to Take Judicial Notice for the reasons stated herein.

On June 23, 2021, the Michigan Senate Oversight Committee released a report regarding the November 2020 Presidential election. There are multiple glaring errors

and omissions inherent in this report. For that reason, the Committee inserted a cautionary disclaimer acknowledging that "this investigation should not be considered exhaustive" and the "every possible investigative avenue was not undertaken." Nevertheless, Intervenor Davis immediately filed a motion requesting this Court take judicial notice of a report that is admittedly not exhaustive.

On June 25, 2021 by Michigan Representative Daire Rendon issued a letter to the general public in which she states:

I have read and considered the June 23, 2021 report titled "Report on the November 2020 Election in Michigan from the Michigan Senate Oversight Committee.

The Michigan Senate Oversight Committee concluded their investigation without examining appropriate evidence, expert reports, and requesting testimony from qualified experts. The report concludes that there was "no widespread or systematic fraud in Michigan's prosecution of the 2020 election." And yet, the Oversight Committee Chair stated in his Executive Summary that "this Investigation should not be considered exhaustive" and that "every possible investigative avenue was not undertaken".

I am in receipt of evidence reflecting systematic election fraud in Michigan that occurred in the November 2020 election.

Many Michigan voters believe that the Michigan Senate Oversight Committee's conclusion was formed without a proper investigation, and so I encourage attorneys in Michigan and beyond to pursue legal avenues that will reveal truth and transparency to the citizens of the United States.

This letter is a damning response to the Committee's admittedly incomplete report. Indeed, Representative Rendon states she is actually "in receipt of evidence reflecting systematic election fraud in Michigan that occurred in the November 2020 election." (Exhibit 1). As that is the case, it casts extreme doubt on the thoroughness and accuracy of the Committee's report.

Based on Representative Rendon's statement alone, no sanctions can be awarded to any Defendants in this case. Finally, Representative Rendon encourages attorneys to "pursue legal avenues that will reveal truth and transparency to the citizens of the United States. Indeed, the First Amendment guarantees the right to free speech and the right to petition the government for redress of grievances.

This Court must deny Intervenor Robert Davis' motion to take judicial notice because the Committee's report is clearly not "adjudicative fact." Rather, the Committee acknowledges that "this investigation should not be considered exhaustive" and the "every possible investigative avenue was not undertaken." For this reason alone, it is "subject to reasonable dispute" and is not "capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned." FRE 201(b).

Representative Rendon has "encourage[d] attorneys in Michigan and beyond to pursue legal avenues that will reveal truth and transparency to the citizens of the United States." Plaintiffs' attorneys have done so. Their speech and their right to petition the government for redress of grievances is a First Amendment right protected by a line of US Supreme Court cases too numerous to mention and any attempt to string cite them here would be insulting to all involved. Representative Rendon has confirmed this in her letter. When a sitting elected Representative has confirmed her "receipt of evidence reflecting systematic election fraud in Michigan that occurred in the November 2020 election" we should all take notice.

WHEREFORE, for the reasons stated herein Plaintiff respectfully requests that this Honorable Court deny Intervenor Robert Davis' motion to take judicial notice.

Respectfully submitted

/s/ Stefanie Lambert Juntilla
STEFANIE LAMBERT JUNTILA
(P71303)
Attorney for the Plaintiffs
500 Griswold Street, Ste. 2340
Detroit, MI 48226
(313) 963-4740
attorneystefanielambert@gmail.com

Dated: July 7, 2021

CERTIFICATE OF SERVICE

I certify that on July 7, 2021, I electronically filed the above with the Clerk of the Court using the ECF system, and that a copy was electronically served on all parties via the ECF system.

/s/ Stefanie Lambert Junttila
Stefanie Lambert Junttila